

REMARKS

The applicant appreciates the indicated allowability of claims 11, 12, 24 and 25.

Reconsideration and allowance of claims 1-10, 13-23 and 26 are requested.

The claims stand rejected under 35 U.S.C. 102(e) as being anticipated by Halperin (U.S. 7,314,451). However, as explained to the Examiner during a telephone interview on May 15, 2009, the rejection is improper because Halperin is not available as a reference against the claims.

As evidenced by the official Filing Receipt of August 7, 2007 and the Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 of the same date (attached hereto as Exhibits A and B, respectively), the present application is the U.S. National Stage of International Application No PCT/US04/20763, and as such, is entitled to the PCT application filing date of June 28, 2004. See MPEP 1893.03(b)

The Halperin reference issued on January 1, 2008 from an application filed on August 3, 2005, claiming the benefit of provisional applications filed on June 21, 2005 and April 25, 2005, respectively. Halperin was published on October 26, 2006. Since the earliest possible date to which Halperin is entitled as a reference under 35 U.S.C. 102(e) is later than the filing date of the present application, Halperin is not available as a reference against the application, and the rejection under 35 U.S.C. 102(e) is improper and should be withdrawn.

Because the sole grounds for rejection of the claims has been eliminated, and because all the requirements of the Examiner have now been fulfilled, the applicant respectfully submits that all of the claims are now in condition for allowance, and requests that a prompt notice of allowance be issued.

Applicants have included a Request for Extension of Time, and have paid the extension fees by credit card. However, if any additional fees are due, please charge our Deposit Account No. 06-2425.

Should the Examiner have any questions concerning this Response, Applicants request the Examiner to contact the Applicants' attorney, Craig Bailey, at (310) 824-5555.

Dated: May 18, 2009

Respectfully submitted,

FULWIDER PATTON LLP

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/562,416	12/23/2005	3736	600	HOANA-72375	26	2

CONFIRMATION NO. 3877

Craig B Bailey,
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 Howard Hughes Center
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 Los Angeles, CA 90045

FILING RECEIPT



OC000000025206516

Date Mailed: 08/07/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Patrick K. Sullivan, Kailua, HI;

Power of Attorney:

Craig Bailey--28786

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US04/20767 06/28/2004
 which claims benefit of 60/482,460 06/26/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/04/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/562,416**

Projected Publication Date: 11/15/2007

Non-Publication Request: No

Early Publication Request: No

Title

Radiation Stress Non-Invasive Blood Pressure Method

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,416	Patrick K. Sullivan	HOANA-72375

INTERNATIONAL APPLICATION NO.

PCT/US04/20767

I.A. FILING DATE	PRIORITY DATE
06/28/2004	06/26/2003

Craig B Bailey
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CONFIRMATION NO. 3877

371 ACCEPTANCE LETTER



OC000000025206517

Date Mailed: 08/07/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>12/23/2005</u>	<u>12/23/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 12/23/2005
- Copy of the International Search Report filed on 12/23/2005
- Preliminary Amendments filed on 12/23/2005
- Information Disclosure Statements filed on 12/23/2005
- Oath or Declaration filed on 12/23/2005
- Request for Immediate Examination filed on 12/23/2005
- U.S. Basic National Fees filed on 12/23/2005
- Assignment filed on 12/23/2005
- Priority Documents filed on 12/23/2005

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

MAMIE P PERSON

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PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)